

## **Port Lands OPM LPAT Appeals - Request for Direction Report**

**Date:** March 30, 2021

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 14

### **REASON FOR CONFIDENTIAL INFORMATION**

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This report concerns litigation that affects the City of Toronto. This report contains advice or communications that are subject to solicitor-client privilege.

### **SUMMARY**

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The Port Lands Official Plan Modification (the "Port Lands OPM" or "OPM") was first endorsed by City Council in December of 2017. Several appellants of the Central Waterfront Secondary Plan ("CWSP"), including public agencies, existing industries, and private owners with development aspirations, raised issues with the Port Lands OPM and a six-week Local Planning Appeal Tribunal (LPAT) hearing was scheduled to begin on September 1, 2020 to deal with the land use and transportation issues (the Phase 1 Port Lands OPM Hearing). The hearing was adjourned to early 2021 to allow for Tribunal-assisted mediation, which took place over numerous days in October and November, 2020 and resulted in a number of settlements with various parties and modifications to the Port Lands OPM.

City Council endorsed the settlements and modifications at its December 2020 meeting.

A settlement hearing took place over four days in January 2021, at which the LPAT commended the City and the parties on their efforts, and recognized the "careful, complete, comprehensive and transparent planning and technical process" that had been undertaken, and approved the various settlements in principle. This had the effect of significantly narrowing the scope of the remaining issues. At its meeting on March 10th, 2021, City Council endorsed further settlements with two more of the parties. A hearing on the remaining contested issues is scheduled to commence on April 20, 2021.

The purpose of this report is to seek further instructions that would resolve the remaining issues outstanding for the hearing. City Planning has been involved in the preparation of this report.

## RECOMMENDATIONS

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The City Solicitor recommends that:

1. City Council adopt the confidential recommendations contained in Confidential Attachment 1.
2. City Council authorize the public release of the confidential recommendations contained in Confidential Attachment 1, and Confidential Appendix A to Confidential Attachment 1, once adopted by City Council.
3. City Council direct that the remainder of Confidential Attachment 1 is to remain confidential at the discretion of the City Solicitor, as it contains information that is subject to solicitor-client and settlement privilege.

## FINANCIAL IMPACT

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There are no financial implications from the adoption of this report.

## DECISION HISTORY

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On December 5, 6, 7 and 8, 2017, City Council considered Item PG24.6, which included, amongst other matters pertaining to the Port Lands Planning Initiatives, instruction for the City Solicitor to request the Ontario Municipal Board (now LPAT) to modify the former City of Toronto Official Plan and CWSP substantially in accordance with the Port Lands OPM, and to implement the Port Lands OPM at the on-going Ontario Municipal Board (now LPAT) hearing on the CWSP as appropriate.

For more information, see the Council consideration and Report for Action at the following links:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG24.6>  
<https://www.toronto.ca/legdocs/mmis/2017/pg/bgrd/backgroundfile-107844.pdf>

On June 29, 2020, City Council considered a report from the City Solicitor and endorsed a number of proposed policy modifications that would narrow or scope the issues for the Phase 1 Port Lands OPM hearing, and endorsed issue-specific settlements with some appellants.

For more information, including background on the Port Lands Planning Framework and OPM, and the Phase 1 Port Lands OPM hearing and issues, see the Council consideration and Report for Action with Confidential Attachment at the following links:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.CC22.9>  
<https://www.toronto.ca/legdocs/mmis/2020/cc/bgrd/backgroundfile-148177.pdf>

On December 16, 2020, City Council considered a report from the City Solicitor and endorsed a number of proposed policy modifications that would further narrow and scope the issues for the Phase 1 Port Lands OPM hearing, and endorsed issue-specific settlements with some appellants.

For more information, see the Council consideration and Request for Direction Report, and Supplementary Report at the following links:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.CC27.5>  
<https://www.toronto.ca/legdocs/mmis/2020/cc/bgrd/backgroundfile-159283.pdf>  
<https://www.toronto.ca/legdocs/mmis/2020/cc/bgrd/backgroundfile-159471.pdf>

On March 10, 2021, City Council considered a report from the City Solicitor and endorsed a number of proposed policy modifications that would further narrow and scope the issues for the Phase 1 Port Lands OPM hearing, and endorsed issue-specific settlements with two additional parties.

For more information, see the Council consideration and Request for Direction Report, and Supplementary Report at the following links:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.CC30.12>

## **COMMENTS**

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### **Background on Settlement Discussions**

Following the City Council endorsement of settlements on March 10, 2021, staff have continued to discuss potential resolutions of the remaining issues with the one appellant with outstanding issues for the hearing. The purpose of this report is to provide an update on the outcome of these discussions and to seek further instructions.

### **Conclusion**

The City Solicitor requires instructions. This report is about litigation before the LPAT and contains advice or communications that are subject to solicitor-client privilege. Confidential Attachment 1 to this report contains confidential information and should be considered by Council in camera.

## **CONTACT**

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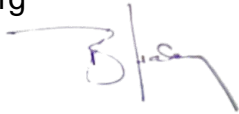
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## **SIGNATURE**

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Wendy Walberg  
City Solicitor



## **ATTACHMENTS**

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Confidential Attachment 1 - Confidential Report from City Solicitor

Confidential Appendix A to Confidential Attachment 1 - Confidential Information